

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Matt Jesick, Case Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** October 14, 2016

**SUBJECT:** BZA #19350 – 3224 Oliver Street, NW – Request for special exception relief under Subtitle D § 5201 in order to construct a screened-in porch

**I. RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle D § 5201:

- D § 307 Side Yard (8’ required, 3’ existing, 3.25’ proposed).

OP believes that associated relief from C § 202.2 (addition to a non-conforming structure) is also needed, and would support that relief.

**II. LOCATION AND SITE DESCRIPTION**

Applicant	Art Charo and Maude Fish, owners
Address	3224 Oliver Street, NW
Legal Description	Square 2022, Lot 48
Ward / ANC	3, 3G
Zone	R-1-B – detached single household dwellings
Historic District or Resource	None
Lot Characteristics	Rectangular lot 40’ X 132.5’, sloping down from Oliver Street in the north to the 15’ public alley in the rear; Public alley also on the west side.
Existing Development	Single family detached residence with existing rear deck
Adjacent Properties	Single family detached homes
Surrounding Neighborhood Character	Almost entirely single family detached homes; Elementary school to the west
Proposed Development	Replace existing deck with similarly sized enclosed porch

### III. ZONING REQUIREMENTS AND RELIEF REQUESTED

The applicant proposes to replace an existing 10’1” X 12’2” deck with a 15’10” X 12’9” enclosed porch. In order to construct as proposed, the applicant has requested side yard relief.

R-1-B Zone	Regulation	Existing <sup>1</sup>	Proposed	Relief
Lot Width D § 302	50’	40’	No change	Existing nonconforming
Lot Area D § 302	5,000 sf	5,300 sf	No change	Conforming
Height D § 303	40’, 3 stories	Not provided	No change	Assumed conforming
Lot Occupancy D § 304	40%	23%*	28%	Conforming
Rear Yard D § 306	25’	~55’	50’	Conforming
<b>Side Yard D § 307</b>	<b>8’</b>	<b>West – 3’</b> East – 6.6’	<b>West – 3.25’ for deck</b> East – No change	<b>Requested</b> Existing nonconforming

\* Based on statements provided by the applicant, OP believes this figure does not include the existing deck.

### IV. ANALYSIS

#### Subtitle D Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

**5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:**

- (a) Lot occupancy;**
- (b) Yards;**
- (c) Courts;**
- (d) Minimum lot dimensions;**
- (e) Pervious surface; and**
- (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.**

The applicant seeks special exception relief for the width of the western side yard.

**5201.2 Special exception relief under this section is applicable only to the following:**

- (a) An addition to a building with only one (1) principal dwelling unit; or**
- (b) A new or enlarged accessory structure that is accessory to such a building.**

<sup>1</sup> Some “Existing” and “Proposed” information provided by the applicant; Some information derived by OP. Unknown quantities noted in table.

The subject site has only one principal dwelling unit.

**5201.3 An applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:**

**(a) The light and air available to neighboring properties shall not be unduly affected;**

The light and air available to nearby properties would not be impacted. The porch would be next to an alley which provides additional buffering distance to the property to the west, and it would be substantially set back from the property to the east. The rear yard would be approximately double what is required.

**(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;**

If the porch were to be constructed, the privacy of nearby properties would not be decreased beyond the current situation. Because the porch is enclosed, visual privacy could be enhanced for neighbors.

**(c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage;**

The proposed screened-in porch would not intrude on the character of the alley. The size of the new construction would be minor compared to the size of the lots in this neighborhood and would be screened to some extent by landscaping. Other homes in the vicinity also have rear decks, additions or screened-in porches.

**(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways; and**

The application includes plans, elevations and photographs to represent the proposed addition.

**(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot as specified in the following table:**

**TABLE D § 5201.3: MAXIMUM PERMITTED LOT OCCUPANCY**

<b>Zone</b>	<b>Maximum Lot Occupancy</b>
<b>R-3 , R-13, R-16</b>	<b>70%</b>
<b>R-20 – attached dwellings only</b>	<b>70%</b>
<b>R-20 – detached and semi-detached dwellings All Other R zones</b>	<b>50%</b>

The proposed lot occupancy would be 28%

**5201.4 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.**

OP recommends no special treatments to the design of the porch.

**5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.**

The existing and proposed use as a single family dwelling is a permitted use.

**5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.**

The height of the building, while not provided with the application, would not change as a result of this application.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

As of this writing OP has not receive comments from other agencies, but notes that DDOT has submitted a memo to the record indicating no objection to the relief.

## **VI. COMMUNITY COMMENTS**

As of this writing the applicant has submitted to the record letters from adjacent neighbors supportive of the proposal.